

**RESOLUTION NO. 3198-15**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
AUTHORIZING THE TOWN OF WINDSOR TO JOIN THE CALIFORNIAFIRST  
PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES  
DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY  
OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY  
CONTRACTUAL ASSESSMENTS WITHIN THE INCORPORATED TERRITORY OF  
THE TOWN; AND AUTHORIZING RELATED ACTIONS  
(FILE NO. PPR 15-04)**

**WHEREAS**, the California Statewide Communities Development Authority (“California Communities”) is a joint exercise of powers authority, the members of which include numerous cities and counties in the State of California, including the Town of Windsor (the “Town”); and

**WHEREAS**, California Communities has established the “CaliforniaFIRST Program” and will provide financing for certain improvements authorized by Chapter 29 of Division 7 of the Streets & Highways Code (“Chapter 29”), including, but not limited to, renewable energy, energy efficiency and water efficiency improvements and seismic strengthening improvements (the “Improvements”) through the levy of contractual assessments pursuant to Chapter 29 and the issuance of improvement bonds (the “Bonds”) under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) (the “1915 Act”) upon the security of the unpaid contractual assessments; and

**WHEREAS**, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

**WHEREAS**, the Town desires to allow the owners of property (“Participating Property Owners”) within the incorporated territory of the Town to participate in the CaliforniaFIRST Program and to allow California Communities to conduct assessment proceedings under Chapter 29 within the incorporated territory of the Town and to issue Bonds under the 1915 Act to finance the Improvements; and

**WHEREAS**, California Communities will conduct assessment proceedings under Chapter 29 and issue Bonds under the 1915 Act to finance Improvements;

**WHEREAS**, the Town will not be responsible for the conduct of any assessment proceedings; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Windsor as follows:

Section 1. This Town Council hereby finds and declares that properties in the Town's incorporated area will benefit from the availability of the CaliforniaFIRST Program within the incorporated territory of the Town and, pursuant thereto, the conduct of special assessment proceedings by California Communities pursuant to Chapter 29 and the issuance of Bonds under the 1915 Act.

Section 2. In connection with the CaliforniaFIRST Program, the Town hereby consents to the conduct of special assessment proceedings by California Communities pursuant to Chapter 29 on any property within its jurisdiction and the issuance of Bonds under the 1915 Act; provided, that

(1) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments;

(2) The Town will not be responsible for the conduct of any assessment proceedings; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Bonds or any other bonds issued in connection with the CaliforniaFIRST Program; and

(3) The issuance of Bonds will occur following receipt of a final judgment in a validation action filed by California Communities pursuant to Code of Civil Procedure Section 860 that the Bonds are legal obligations of California Communities.

Section 3. Pursuant to the requirements of Chapter 29, California Communities has prepared and will update from time to time the "Program Report" for the CaliforniaFIRST Program, and will undertake assessment proceedings and the financing of Improvements as set forth in the Program Report.

Section 4. The appropriate officials and staff of the Town are hereby authorized and directed to make applications for the CaliforniaFIRST program available to all property owners who wish to finance Improvements; provided, that California Communities shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the Town Manager from time to time, are hereby designated as the contact persons for California Communities in connection with the CaliforniaFIRST Program: Ned Thomas, Community Development Director.

Section 5. The appropriate officials and staff of the Town are hereby authorized and directed to execute and deliver such closing certificates, requisitions, agreements and related documents as are reasonably required by California Communities in accordance with the Program Report to implement the CaliforniaFIRST Program for Participating Property Owners.

Section 6. The Town Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant

physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).

Section 7. This Resolution shall take effect immediately upon its adoption. The Town Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of California Communities.

**PASSED, APPROVED AND ADOPTED this 6th day of May 2015, by the following vote:**

**AYES: COUNCILMEMBERS FOPPOLI, FUDGE, MILLAN, SALMON AND  
MAYOR OKREPKIE**

**NOES: NONE**

**ABSTAIN: NONE**

**ABSENT: NONE**

  
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**BRUCE OKREPKIE, MAYOR**

**ATTEST:**

  
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**MARIA DE LA O, TOWN CLERK**